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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,146

03/30/2004

Ulrich Bruening

09246-US

5429

7590

05/09/2005

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,146

Applicant(s)

BRUENING ET AL.

Examiner

Alicia M Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Specification

1. The abstract of the disclosure is objected to because the phrase "stalk-like" is indefinite.

Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Regarding claim 1, the phrase "stalk-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Arnold, EP 0 504 639 A1, as previously cited by Examiner.

Arnold discloses in a machine for mowing stalk-like crop including:

- At least four intake and mowing arrangements (13, see Figures 1 and 3), an inner pair and an outer pair,

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- The inner pair of intake and mowing arrangements being mounted to rotate in opposite directions (see direction arrows in Figures 1 and 3) for cutting and conveying crop first transversely outwardly and then rearwardly,
- A transverse conveying channel (6) located rearwardly of the intake and mowing arrangements (13),
- An intake channel (2) leading to a chopper arrangement (not shown),
- At least one driven conveying arrangement (at 15, 16) arranged outside the transverse conveying channel (6),

The improvement comprising:

- The conveying arrangement (15, 16) mounted for rotation about an approximately vertical axis (see Figure 2), as per claim 1; and
- Wherein the inner pair (13) is located ahead of the intake channel (6); and
- The conveying arrangement (15, 16) being arranged above one of the inner pair of the intake and mowing arrangements (13), as per claim 2; and
- The conveying arrangements (15, 16) being arranged above the inner pair of the intake and mowing arrangements (13), as per claim 3,
- The conveying arrangement (15, 16) includes a horizontal disk conveyor (at 16), as per claim 6,
- The conveying arrangement including an upright conveyor drum (at 15), as per claim 7,

- The conveying arrangement (15, 16) includes an upright conveyor drum (at 15) located in coaxial relationship to, and joined to an upper surface of, the conveyor disk (at 16), as per claim 8,
- The conveyor disk (at 16) equipped with drivers (16), as per claim 9,
- Wherein the conveyor drum (at 15) is equipped with drivers (15), as per claim 10,
- The conveying arrangement (15, 16) is coupled to be driven with one of the inner pairs (13), as per claim 12.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 6-10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 4, 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

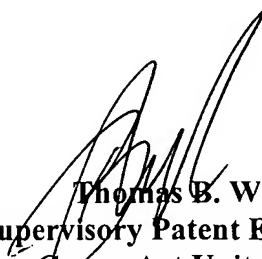
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
May 3, 2005